

acid, polyacrylic acid, polymethacrylic acid, dextran sulfate, heparin, hyaluronic acid, DNA, RNA, and negatively charged proteins.

- 18) The complex of claim 15 wherein the polymer comprises a molecule selected from the group consisting of pegylated derivatives, pegylated derivatives carrying specific ligands, block copolymers, graft copolymers and hydrophilic polymers.

**New Claim:**

- 19) A process for delivering a nucleic acid to a cell, comprising:
- forming a complex consisting of three polymers having a net charge in a solution wherein two of the polymers have a net negative charge and one of the two polymers consists of the nucleic acid;
  - inserting the complex into a mammal;
  - delivering the complex to the cell.

**REMARKS**

**Rejection of claims under of 35 U.S.C. 112:**

Claims 1-7 have been rejected under the first paragraph of §112 and claims 1-7, 10, and 12-18 have been rejected under the second paragraph of §112.

The rejection has been discussed in an interview with the Examiner and suggested amendments to the claims have been implemented.

Claims 1-7 and 15-18 which contain the phrase "the complex having a net charge," have been amended to include antecedent basis.

Claims 10, 12, and 14 have been amended to depend from amended claims.

Claims 13 and 16-18 have been amended to have antecedent basis for its terms.

The rejections are believed to be obviated by the amendments.

**Rejection of claims under 35 U.S.C. 102:**

Claims 1-3, 8, 10, 15, and 16 are rejected under §102(b) as being anticipated by Boussif et al.

The claims have been amended to show a complex formed by adding a first polymer to a nucleic acid to reduce the net negative charge and then adding a second polymer to increase the negative charge. Boussif et al. does not show the double recharging affect of the Applicants' process. The reference only describes a single polymer addition.

Therefore, the prior art reference does not anticipate Applicants' process.

Claims 8, 10, and 13 are rejected under §102(c) as being anticipated by Kabanov et al.

As stated above, the cited prior art does not show a double recharged complex and therefore does not anticipate the amended claims.

Claims 8, 10, 15, and 16 are rejected under §102(b) as being anticipated by Baker et al.

Again, the cited prior art does not disclose Applicants' double recharging process.


Applicants believe that they have overcome the §102 rejections by reason of the claim amendments.

§131 Declaration:

In addition to the amended claims, Applicants have submitted with this Response a §131 Declaration stating that Applicants' process was conceived prior to the effective date of the references coupled with due diligence from conception to the filing of the application. Photocopies of notebook pages accompany this Response.

The Examiner's objections and rejections are now believed to be overcome by this response to the Office Action. In view of Applicants' amendments and discussion, it is submitted that claims 1-8, 10, 12-19 should be in condition for allowance and Applicants respectfully request an early notice to such effect.

Respectfully submitted,

  
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